

A RESOLUTION BY

FINANCE/EXECUTIVE COMMITTEE

05 - 12 - 0777

A RESOLUTION AUTHORIZING THE MAYOR TO QUITCLAIM THE CITY'S INTEREST IN THE PROPERTY FRONTING HIGHTOWER ROAD AND ELLIOT STREET IN LAND LOT 249 OF THE 17TH DISTRICT OF FULTON COUNTY, GEORGIA TO PARKRIDGE INVESTMENTS, LLC TO CLEAR TITLE; AND FOR OTHER PURPOSES

WHEREAS, in December 1979, the City of Atlanta petitioned the Fulton County Superior Court to condemn in fee simple a strip of the property located on Hightower Road in land lot 249 of the 17th District of Fulton County, Georgia for the purpose of widening Elliott Street; and

WHEREAS, the City also petitioned the Court in the same proceedings to condemn a temporary construction easement across the entire property; and

WHEREAS, the Court ordered the condemnation at the fair market value of \$525.00 (five hundred twenty five dollars); and

WHEREAS, the records of the Fulton County Superior Court indicate that the City of Atlanta is the owner of the entire property; and

WHEREAS, it is clear from the original petition that it was the intent of the City to condemn a twenty foot strip of the property and not the entire property as made further evident by the condemnation award by the Court; and

WHEREAS, the City has not since the widening of Elliott Street maintained nor controlled the property; and

WHEREAS, the current owner of the property has approached the City to resolve the cloud on the title by requesting the City to execute a quitclaim deed to the owner in the hopes of avoiding costly litigation; and

WHEREAS, Council has reviewed the matter and believes that it is appropriate to resolve this matter to reflect the true intent of the City during the original condemnation proceedings;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA that the Mayor be and is hereby authorized to execute a quitclaim deed in a form approved by the City Attorney in order to remove any appearance of ownership the City may have in the property located at Hightower Road in Land Lot 249 of the 17th District of Fulton County and more fully described in the documents attached to this Resolution as Exhibit A.

BE IT FURTHER RESOLVED that the City shall not quitclaim the portion of the title condemned in fee simple for the purpose of widening Elliott Street.